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March 12, 2020

Via Electronic Filing

The Honorable Magistrate Judge Barbara C. Moses
U.S. District Court Southern District of New York
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

Re: *Smith v. BRP Development Corporation et al*
Case No.: 1:19-cv-11794

Dear Honorable Magistrate Judge Moses:

This law firm is counsel to Defendants United DBT Security Corp. and Darryl Brown (incorrectly sued herein as "Darrul Brown") (together, the "**Defendants**") in the above-referenced matter

Pursuant to Your Honor's Individual Motion Practice Rule 1(a) and 2(a), this letter respectfully serves as a request to adjourn the Settlement Conference scheduled for March 16, 2020 at 2:15 p.m. to a date and time set by the Court after April 16, 2020.

The basis of the adjournment is that the Defendants are exchanging additional business records regarding the allegations in the Complaint with Plaintiff, and wish to continue settlement discussions without necessitating Court intervention, thereby saving resources and time.

A separate basis also necessitates an adjournment of the March 16, 2020 Settlement Conference. The undersigned is making arrangements to work remotely for the foreseeable future in light of the COVID-19 virus (coronavirus) outbreak, and will therefore be unable to attend an the in-person settlement conference. *See In re: Restrictions on Visitors to Courthouses*, Administrative Order No. 2020-05 (E.D.N.Y. March 9, 2020).

This is the first request for an adjournment of the settlement conference. Plaintiff's counsel has objected to this request on the basis that he believes that the parties are too far apart at this time to proceed with a Settlement Conference. Defendants' intention is to comply with Your Honors' February 18, 2020 Order, which scheduled a settlement conference. *See In re A.T. Reynolds & Sons, Inc.*, 452 B.R. 374, 384 (S.D.N.Y. 2011) *citing John Lande, Using Dispute System Design Methods to Promote Good-Faith Participation in Court-Connected Mediation Programs*, 50 UCLA L. Rev. 69, 84 (2002) (noting that a Court may require parties to appear for alternative dispute resolution).

This adjournment would not affect any other scheduled deadlines.

In light of the foregoing, Defendants respectfully request that the settlement conference scheduled for March 16, 2020 at 2:15 p.m., be adjourned a date and time set by the Court after April 16, 2020.

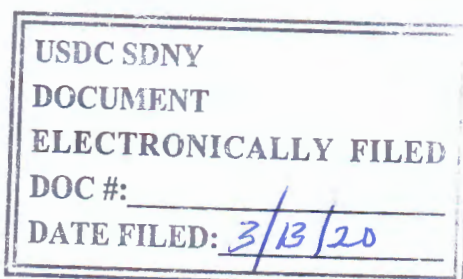
Thank you, in advance, for your time and consideration.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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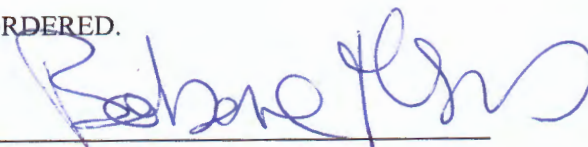
VIA ECF: All Counsel

Application **GRANTED** to the extent that the settlement conference currently scheduled for March 16, 2020, at 2:15 p.m. is **ADJOURNED** *sine die*.

It is further **ORDERED** that:

1. No later than **April 17, 2020**, the parties shall file a joint letter, addressed to the undersigned magistrate judge, updating the Court on any settlement efforts and informing the Court whether or not the parties would like the Court to reschedule a judicially-supervised settlement conference. If either of the parties does not wish to participate in a judicially-supervised settlement conference, the parties shall file a separate joint letter, addressed to the Hon. Mary Kay Vyskocil, U.S.D.J., so stating, and requesting that Judge Vyskocil schedule an initial case management conference.
2. No later than **March 20, 2020**, plaintiff shall file his anticipated motion for default judgment as to non-appearing defendant BRP Development Corporation (BRP) (*see* Dkt. No. 14), in compliance with the procedures set forth in Local Civil Rules 55.1 and 55.2 and Attachment A to the Individual Rules of Practice in Civil Cases of Judge Vyskocil, governing motions for default judgment. If defendant BRP appears before April 17, 2020, the parties shall address that defendant's appearance in their joint letter(s) described in paragraph (1).

SO ORDERED.



Barbara Moses, U.S.M.J.
March 13, 2020